

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 21, 2003

IN RE:

**SPRINT UNITED TARIFF 2003-710 TO INTRODUCE SAFE
AND SOUND II SOLUTION**

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**DOCKET NO.
03-00442**

**ORDER CONVENING A CONTESTED CASE PROCEEDING
AND GRANTING INTERVENTIONS**

This matter came before Director Pat Miller, Director Sara Kyle, and Director Ron Jones of the Tennessee Regulatory Authority (the "TRA" or "Authority"), the voting panel assigned to this Docket, at a regularly scheduled Authority Conference held on October 6, 2003 for consideration of Sprint United Tariff 2003-710 to Introduce Safe and Sound II Solution.

Background

This Tariff, filed with the TRA by United Telephone-Southeast, Inc, ("UTSE") on June 11, 2003, offers local exchange service with Caller ID for \$19.95 so long as the customer also subscribes to inside wire maintenance and a warranty for customer-owned premise equipment. Because UTSE considers the maintenance and warranty offerings to be non-regulated services, it has declined to offer the Tariff for resale, claiming that it has no resale obligation if regulated services are bundled with non-regulated services. On September 5, 2003, the Consumer Advocate and Protection Division of the Office of the Attorney General ("CAPD") filed a petition to convene a contested case and to intervene in these proceedings.

UTSE voluntarily delayed the effective date of this Tariff until September 8, 2003, at which time the matter came before the Directors at a regularly scheduled Authority Conference. The Directors gave UTSE one week to respond to the CAPD's petition and deferred further consideration and the effective date and of the Tariff until September 22, 2003. On September 11, 2003, BellSouth Telecommunications, Inc. filed its own petition to intervene. At the September 22, 2003 Authority Conference, consideration of the Tariff was deferred at the request of UTSE until October 6, 2003.

October 6, 2003 Authority Conference

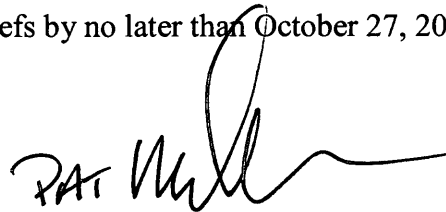
During the October 6, 2003 Authority Conference, the Panel found that both Parties requesting intervention have demonstrated a vested interest in this matter and, therefore, voted unanimously to convene a contested case proceeding and to grant intervention to both BellSouth and the CAPD. The Panel also found that the resale requirement is a threshold issue in this docket, that it may present a case of first impression, and that addressing this issue right away would allow this Docket to proceed in the most expeditious manner possible. Accordingly, the Panel ordered Briefs to be filed by the Parties no later than October 20, 2003 on the following legal issue:

Whether state and/or federal statutes, rules, orders, or other provisions require that all or any part of an offering which bundles regulated service and non-regulated services be made available for resale? If so, should the wholesale discount apply? If yes, how should it apply?

Reply Briefs on this issue are to be filed no later than October 27, 2003. To facilitate this briefing schedule, the Panel suspended the effective-date of the Tariff for an additional forty-five days.

IT IS THEREFORE ORDERED THAT:

1. A contested case proceeding in this Docket is convened.
2. BellSouth and the CAPD are granted leave to intervene and receive copies of any notices, orders or other documents in this matter.
3. The effective date of this Tariff is further suspended until November 20, 2003.
4. The Parties shall submit Briefs by no later than October 20, 2003 on the legal issue as described above.
5. The Parties shall submit Reply Briefs by no later than October 27, 2003.



Pat Miller, Director



Sara Kyle, Director



Ron Jones, Director